

## § 25.111

## 33 CFR Ch. I (7–1–99 Edition)

### § 25.111 Action by claimant.

(a) *Form of claim.* The claim must meet the requirements of § 25.113. Authorized forms are available from the offices indicated in § 25.103.

(b) *Presentation.* Whenever possible the claim must be presented to the geographically appropriate Coast Guard Maintenance and Logistics Command. The Coast Guard Maintenance and Logistics Command Atlantic is located at 300 East Main Street, Suite 965, Norfolk, VA 23510-9113; Coast Guard Maintenance and Logistics Command Pacific is located at Coast Guard Island, Alameda, California, 94501. If that is not possible, the claim may also be presented to:

(1) The commanding officer of the Coast Guard unit involved;

(2) A Coast Guard unit convenient to the claimant; or

(3) Chief, Claims and Litigation Division, Office of Chief Counsel, United States Coast Guard, Washington, DC, 20593.

In a foreign country, where there is no Coast Guard unit, the claim is considered presented to the Coast Guard if it is presented to the military attache of any United States embassy or consulate or to the commanding officer of any unit of the armed services of the United States.

(c) *Time.* The time limits for presenting claims are contained in the following subparts addressing particular claim statutes.

[CGD 80-033, 46 FR 27109, May 18, 1981, as amended by CGD 87-008b, 52 FR 25217, July 6, 1987; CGD 97-023, 62 FR 33362, June 19, 1997]

### § 25.113 Contents of claim.

(a) A claim under the Federal Tort Claims Act must be presented using Standard Form 95, Claim for Damage, Injury, or Death.

(b) A claim under any other Act may be presented using Standard Form 95. Any claim which is not presented using Standard Form 95 shall include:

(1) The identity of the department, agency, or activity whose act or omission gave rise to the claim;

(2) The full name and mailing address of the mailing address is not claimant's residence, the claim-

ant shall also include residence address;

(3) The date, time, and place of the incident giving rise to the claim;

(4) The amount claimed, supported by independent evidence of property damage or loss, personal injury, or death, as applicable;

(5) A detailed description of the incident giving rise to the claim;

(6) A description of any property damage or loss, including the identity of the owner, if other than the claimant, as applicable;

(7) The nature and extent of the injury, as applicable;

(8) The full name, title, if any, and address of any witness to the incident and a brief statement of the witness' knowledge of the incident;

(9) A description of any insurance carried by the claimant or owner of the property and the status of any insurance claim arising from the incident; and

(10) An agreement by the claimant to accept the total amount claimed in full satisfaction and final settlement of the claim.

(c) A claimant or duly authorized agent or legal representative must sign in ink a claim and any amendment to that claim. If the person's signature does not include the first name, middle initial, if any, and surname, that information must be included in the claim. A married woman must sign her claim in her given name, e.g., "Mary A. Doe," rather than "Mrs. John Doe."

### § 25.115 Evidence supporting a claim.

The claimant shall present independent evidence to support a claim. This evidence may include, if available, statements of witnesses, accident or casualty reports, photographs and drawings.

### § 25.117 Proof of amount claimed for personal injury or death.

The following evidence must be presented when appropriate:

(a) Itemized medical, hospital, and burial bills.

(b) A written report by the attending physician including:

(1) The nature and extent of the injury and the treatment,